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OFFICE OF PETITIONS

In re Application of	:	
Xiang et al.	:	
Application No. 10/755,602	:	LETTER REGARDING
Filed: January 12, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. 039153-0693 (H1718)	:	

This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT" filed June 18, 2008, pursuant to applicants' duty of good faith and candor to the Office. Applicants disclose that they disagree with the patent term adjustment indicated on the Notice of Allowance.

The request for review of the initial determination of patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is ZERO (0) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

A review of the application record reveals that after having filed a response on March 19, 2007, on October 16, 2007, applicants submitted an Information Disclosure Statement (IDS). This IDS was not expressly requested by the examiner. This IDS did not include a §1.704(d) statement. Pursuant to 1.704(c)(8), a period of reduction of 211 days, counting the number of days beginning on the day after the date the initial reply was filed, March 20, 2007 and ending on the date that the IDS was filed, October 16, 2007, is being entered.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is ZERO (0) days. As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded for issuance of the application.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

PTA Calculations for Application: 10/755602			
Application Filing Date:	01/12/2004	PTO Delay (PTO):	319
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	150
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-211		

File Contents History

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57	03/19/2008	DOCUMENT VERIFICATION			
56	03/19/2008	ISSUE REVISION COMPLETED			
55	03/19/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
54	03/19/2008	EXAMINER'S AMENDMENT COMMUNICATION			
53	03/17/2008	NOTICE OF ALLOWABILITY			
49	08/04/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48	10/16/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	12/17/2007	DATE FORWARDED TO EXAMINER			
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11	04/21/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
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9	04/16/2004	APPLICATION RETURN FROM OIPE			
8	04/16/2004	APPLICATION RETURN TO OIPE			
7	04/15/2004	APPLICATION DISPATCHED FROM OIPE			
6	04/16/2004	APPLICATION IS NOW COMPLETE			
5	01/12/2004	PGPUBS NONPUB REQUEST			
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2	01/29/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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